

PATENT  
Docket No: MO06001USU  
Serial No.: 09/726,953

REMARKS

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STATUS SUMMARY

Claims 1-14 are pending in the present application. Per the final Office Action mailed November 15, 2004, claims 12-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kawesh (U.S. Pat. No. 6,019,754), and claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawesh in view of Glockler (U.S. Patent No. 6,251,101). Per the decision of the BPAI on September 20, 2006, the rejection to claims 12-14 under 35 U.S.C. § 102(e) was not sustained, but the rejection to claims 1-11 under 35 U.S.C. § 103(a) was sustained.

As indicated above, Applicant has amended independent claims 1 and 8 to recite "means for directing a flow of air above the cornea of the patient from one side of the cornea to another side of the cornea, at a distance so that the cornea is not dehydrated by the flow of air."

In view of the foregoing, Applicant respectfully submits that claims 1 and 8, and claims 2-7 and 9-11 at least by way of dependency, are patentable over all prior art of record. In addition, Applicant respectfully agrees with the BPAI's refusal to sustain the rejection to claims 12-14, and respectfully submits that claims 12-14 likewise are patentable over all prior art of record. Therefore, Applicant respectfully requests that the rejections to claims 1-14 be withdrawn and that claims 1-14 be allowed.

Finally, Applicant has added dependent claims 15 and 16 in view of the amendments made to claims 1 and 8, from which claims 15 and 16 respectfully depend.

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Applicant respectfully submits that claims 15 and 16 are fully supported by the application as originally filed, and therefore no new matter has been added. *See, e.g.*, Figs. 3-5 and accompanying written description. Applicant further respectfully submits that claims 15 and 16 are patentable over all prior art of record, and thus respectfully requests entry and allowance of claims 15 and 16.

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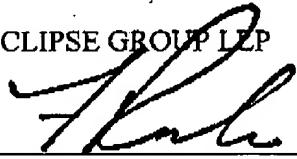
CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Office Action.

Respectfully submitted,

THE ECLIPSE GROUP LLP



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